

REMARKS

Assignee submits that the present amendment is fully responsive to the Office Action dated November 30, 2010, and, thus, the application is in condition for allowance.

By this reply, claims 29, 36, and 43 are amended. Claims 29, 31-36, and 38-43 remain pending. Of these, claims 29, 36, and 43 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 29, 31-36, and 38-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Petite et al. (US 6,437,692) in view of Mecham et al. (US 6,314,340), in further view of Schneider (US 6,990,459). It is asserted that Petite discloses substantially the methods and article of manufacture of the present invention as claimed, but for stating that information is accessed from a climatic information providing server; economic setpoint information being a cost below which the cost of operation of the residential device must stay; and wherein the control server determines the control parameters based upon an optimal level for the control parameters that remains within the economic setpoint, wherein said optimal level may not correspond to an optimal performance if the optimal performance requires a higher economic setpoint. It is further asserted that Mecham and Schneider disclose these deficiencies and the combination of these references would have been obvious to one of ordinary skill in the art. Assignee respectfully traverses.

With respect to independent claims 29, 36, and 43, neither Petite nor Mecham nor Schneider, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as claimed. For example, these references fail to disclose, among other things, wherein a customer computer system in communication with the residential gateway retrieves and displays a current state of the residential device and allows the user to override the

current state of the residential device. These features are recited in each of the independent claims and are disclosed, for instance, in paragraph [0017] of the specification as published. For instance, the user may have set an economic setpoint for the irrigation system that has the irrigation system currently off. However, the user may realize that the results of the economic setpoint are producing a bad result. For instance, on a hot day, the user may realize that their lawn is dying. While the system may be producing the ideal condition for the economic setpoint, the user may decide that it is worth going over the economic setpoint in order to, for instance, save the lawn further damage. The override feature allows the user to change the state of the irrigation system using their computer to save the grass. When the user turns off the override, the system may return to normal with irrigation according to the economic setpoint.

None of the references disclose a system operating on an economic setpoint wherein an override is provided to the user to override the operation of the system under the economic setpoint. Petite discloses a customer workstation that periodically downloads and reviews rain gauge data that can initiate an automatic control signal appropriate with the customer's watering requirements (Petite, Column 13, Lines 23-28). Petite does not disclose any optimization based on an economic setpoint, nor does Examiner assert that Petite does. Thus, overriding an economic setpoint also cannot be disclosed by Petite. Petite simply discloses watering according to a schedule. Thus, this feature is not present in Petite.

Mecham fails to cure the deficiencies of Petite because Mecham also fails to disclose these features. Mecham discloses a controller connected to an evapotranspiration module (Mecham, Column 3, Lines 57-60). At most, Mecham discloses that the requested watering needs are compared to a watering budget, with the central control unit granting permission to actuate the control valves only if the requested irrigation amounts meet any imposed budget

limitations (Mecham, Column 18, Lines 55-62). Nowhere does Mecham provide for an economic setpoint as claimed in the present invention or an override of a residential device operating under an economic setpoint. As stated above, such a feature may be important to the overall health of a lawn. Operating under a budget may provide a noticeably undesirable result that could be fixed by going over the budget using an override. Mecham does not provide for any such feature. Thus, Mecham cannot cure the deficiencies of Petite.

Furthermore, Schneider also fails to cure the deficiencies of the above references. Schneider provides for a personal farm management consultant to develop cropping strategies (Schneider, Column 3, Lines 56-59). At most, Schneider discloses that selected parameters may be systematically altered to provide insight as to the most optimum cropping strategies (Schneider, Column 4, Lines 16-18). Thus, Schneider optimizes strategies before the crops are ever planted. Therefore, using Schneider, a farmer would, at most, optimize the size of the crops based upon available resources. Schneider provides for no way of overriding such a personal farm manager consultant, as the personal farm manager consultant is being used during a planning stage, not while the outcome of the strategy is physically occurring. Schneider does not provide a system to provide the irrigation at all, thus, override of such a system cannot be disclosed. Such a feature is simply not present. Therefore, Schneider cannot cure the deficiencies of Petite and Mecham. For at least these reason, the rejection should be withdrawn.

Claims 31-35 and 38-42 are dependent claims. Because neither Petite nor Mecham nor Schneider, alone or in combination, teaches all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentability distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or

suggestion by Petite, Mecham, or Schneider. For this reason, Assignee respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Assignee's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn. For this reason, Assignee respectfully requests withdrawal of the rejection.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Assignee respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Assignee respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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